

1 JOHN A. RUSSO, City Attorney - State Bar #129729  
2 RANDOLPH W. HALL, Assistant City Attorney - State Bar #080142  
3 RACHEL WAGNER, Deputy City Attorney - State Bar #127246  
4 One Frank H. Ogawa Plaza, 6th Floor  
Oakland, California 94612  
Telephone: (510) 637-0268 Fax: (510) 238-6500  
21287:268369

5 Attorneys for Defendants  
6 CITY OF OAKLAND and Officer  
CHRISTOPHER SAUNDERS

7  
8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 ANDREW MARTIN,

11 Plaintiff,

12 v.

13 The CITY OF OAKLAND, Officer  
14 CHRISTOPHER SAUNDERS (#8254), and  
DOE #s 1 through 10,

15 Defendants.

Case No.

**NOTICE OF REMOVAL OF ACTION**  
**(28 U.S.C. Section 1446)**

16 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT**  
17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA:**

18 **PLEASE TAKE NOTICE** that defendants CITY OF OAKLAND and Officer  
19 CHRISTOPHER SAUNDERS hereby request that the state court action described below  
20 be removed to this Court pursuant to 28 U.S.C. §1446.

21 **I.**

22 On April 2, 2001, the Complaint in the above-entitled action Civil Case No.  
23 837696-3 was filed in the Superior Court of the State of California, County of Alameda  
24 and is now pending in that court.

25 **II.**

26 On or about April 2, 2001, defendant City of Oakland was served with a copy

1 of the Complaint. A copy of the Summons and Complaint in the above-entitled action is  
2 attached hereto as Exhibit "A." Defendant City of Oakland is informed and believes that  
3 none of the named individual defendants has been served with the summons and  
4 complaint. These defendants, however, would consent to removal of this action.

5  
6 **III.**

On May 1, 2001, an Answer was filed in the Superior Court. A copy of the  
7 Answer is attached hereto as Exhibit "B".

8  
9 **IV.**

The above-entitled action is a civil action for violation of plaintiff's civil rights  
10 under 42 U.S.C. §1983 based on allegations of deprivation of fourth amendment rights  
11 based on excessive force. The Complaint also includes several state tort claims over  
12 which this court has supplemental jurisdiction.

13  
14 **V.**

The Court has original jurisdiction of the above-entitled action pursuant to 28  
15 U.S.C. §1331, and the action may therefore be removed to this Court pursuant to 28  
16 U.S.C. §1441(b).

17  
18 **VI.**

Written notice of the filing of this Notice of Removal is being served on  
19 plaintiff on this date.

20  
21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

1 ///

2  
3 A true and correct copy of this Notice of Removal is being filed this date with  
4 the Clerk of the Superior Court for the State of California, County of Alameda.

5 Dated: May 2, 2001

6 JOHN A. RUSSO, City Attorney  
7 RANDOLPH W. HALL, Assistant City Attorney  
8 RACHEL WAGNER, Deputy City Attorney

9  
10 By: /s/ Rachel Wagner  
11 Attorneys for Defendants CITY OF OAKLAND  
12 and Officer CHRISTOPHER SAUNDERS  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26